

Appropriations Summary

	14-15	15-16	15-16 Year End	16-17	17-18
	Actual	Amended	Projection	Recommended	Recommended
Employee Services	\$ 445,136	\$ 652,276	\$ 358,124	\$ 505,476	\$ 526,775
Supplies & Services	24,554	137,307	323,001	94,215	96,099
Capital Outlay	-	-	-	-	-
Debt Services	-	-	-	-	-
Internal Service	26,725	29,157	29,158	51,107	51,236
Transfers Out	5,488	5,488	5,488	3,140	3,619
TOTAL EXPENDITURES	\$ 501,902	\$ 824,228	\$ 715,771	\$ 653,939	\$ 677,729
FULL TIME EQUIVALENT EMPLOYEES	2.63	2.63	2.63	2.68	2.68

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The City Attorney represents the City Council, its boards and commissions and all City officers and employees in matters of law pertaining to their City functions. The City Attorney reviews and/or prepares all ordinances, resolutions, contracts, bonds, real estate documents and other legal documents for the City and litigates or manages the defense of the City in all litigation and prosecutes violations of the Morgan Hill Municipal Code. Though the City Attorney reports directly to the City Council, he/she works as part of the City's leadership team and provides legal support to City employees in all aspects of City operations, including planning, police, fire, code enforcement, engineering, public works, water utility, housing, parks and recreation. In addition to being formal counsel at City Council meetings, the City Attorney also advises City commissions comprised of citizens and serves as legal counsel to the Successor Agency of the former Morgan Hill Redevelopment Agency and as Counsel to the Oversight Board of the Successor Agency of the City of Morgan Hill. The City Attorney is supported by a Deputy City Attorney and a Paralegal.

FY 15-16 ACCOMPLISHMENTS

- Fiscal year 15-16 was a transition year for the City Attorney's office that saw the departure of the previous City Attorney, staffing by an interim contract attorney and the anticipated hiring of a new City Attorney
- Performance of an overall review of risk management goals
- The City Attorney participated in quarterly discussions on regional municipal law issues with city attorneys within Santa Clara County and participated in regional negotiations on county-wide contracts
- Legal review, support and assistance for all major projects of the City were provided
- Litigation:
 - Cases Resolved: The following cases were successfully concluded in FY 15-16:
 - Alvarado v. City of Morgan Hill: alleged police misconduct
 - City of Morgan Hill v. Albanese: defective work from Third Street pavers project
 - City of Morgan Hill v. Aviles: code enforcement action
 - Cserna v. City of Morgan Hill : civil rights violation
 - Wendt & Wise v. City of Morgan Hill: trip & fall on sidewalk
 - New Litigation:
 - Morgan Hill Hotel Coalition v. City of Morgan Hill: writ compelling City to place Referendum on Ordinance 2131 on the ballot
 - Paulk v. City of Morgan Hill: civil rights violation
- Successor Agency/Wind Down for RDA:
 - Continue to provide advice to Successor Agency employees and the redevelopment bond team (financial advisor, bond counsel, disclosure counsel and independent redevelopment consultant) working to refund the \$110,000,000 bond issue from 2008 and timely expend bond proceeds
 - Assisted with the preparation of the Recognized Obligation Payment Schedules

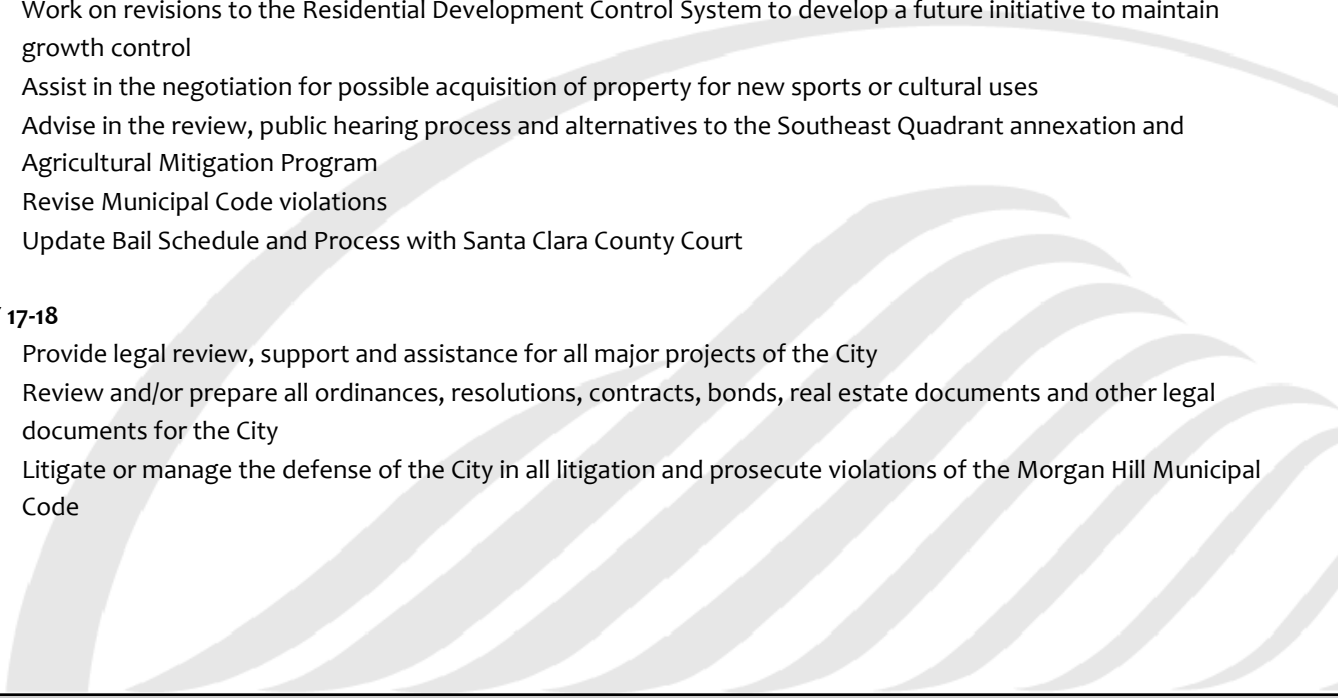
City Attorney (continued)

- Ongoing analysis of the budgetary and legal impacts of AB1X26 and AB 1484
- Downtown Revitalization and Implementation of Long Range Property Management Plan:
 - Assist teammates with construction of Downtown public parking garage
 - Assist in drafting documentation for enhanced public improvements in the downtown area including pop up parks
 - Assist in drafting documentation for City negotiated acquisition of property
 - Assist in drafting documentation to encourage downtown redevelopment
 - Review, negotiate and approve numerous subordination agreements for housing and local business
 - Review, negotiate and approve numerous estoppel agreements for various local developers
- RDCS, BMR Reduced Mitigation Fee Program and Development Fees:
 - Provided advice on RDCS allocation extensions, the implementation of the BMR fee reduction program and responded to fee inquiries
 - Negotiated and prepared amendments and assignments of development agreements and BMR transactions
 - Review and approve multiple housing documentation to enhance below market rate housing within the City for individual units or multiple unit projects and for sale and rental projects
- Capital Improvement Projects:
 - Downtown Improvement Project
- Public Health and Safety:
 - Coordinated with police department on enforcement of animal control ordinances and prosecution of social host, nuisances and other code violations
 - Prepared Medical Marijuana Cultivation and Delivery Ban Ordinance
 - Advise teammates on administrative citation program
 - Advise teammates on vehicle abatement hearing and process
- Employment and Personnel:
 - With the support of outside counsel, assisted human resources employees with several complex cases of employee discipline and claims for workers' compensation and disability
 - Opposed Pitchess motions for disclosure of confidential police personnel records
 - Revise Harassment and Discrimination Policy
 - Revise Sick Leave Policy
- Risk Management:

Risk Management Analyst:

 - Serve as City's ABAG Plan Liaison
 - Serves on the ABAG's Risk Management Committee
 - Works with Leadership Team to identify and establish City's Annual Risk Management Goals
 - Oversees distribution of ABAG grant funds
 - Establishes insurance requirements for all City contracts (including public bids, RFPs, special events, leases, vendor contracts, construction projects, maintenance agreements, etc.)
 - Assesses insurance compliance for all City contracts; tracks and oversees records management through contract termination dates

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- Work on revisions to the Residential Development Control System to develop a future initiative to maintain growth control
 - Assist in the negotiation for possible acquisition of property for new sports or cultural uses
 - Advise in the review, public hearing process and alternatives to the Southeast Quadrant annexation and Agricultural Mitigation Program
 - Revise Municipal Code violations
 - Update Bail Schedule and Process with Santa Clara County Court
- 17-18**
- Provide legal review, support and assistance for all major projects of the City
 - Review and/or prepare all ordinances, resolutions, contracts, bonds, real estate documents and other legal documents for the City
 - Litigate or manage the defense of the City in all litigation and prosecute violations of the Morgan Hill Municipal Code

FY 16-17

- Provide legal counsel to the Successor Agency and the Oversight Board in the continued winding down of the Redevelopment Agency, disposition of assets and the satisfaction of enforceable obligations and implementation of the long range property management plan
- Review municipal code and update certain provisions to reflect current conditions and practices and to comply with current law
- Advise on General Plan Update
- Assist on the editing and revisions to the Draft Environmental Impact Report for the Anticipated Amendment to the General Plan
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City Attorney (continued)

- Review and assess all claims for damages and, if appropriate, recommend settlement to resolve claims at an early stage to avoid costly litigation
- Review all contract insurance and supervise ABAG risk management grants

CITY COUNCIL GOALS

The City Attorney's Office will continue to engage in activities that are aligned with the priorities, goals, and strategies the City Council has set for 2016:

Enhancing Public Safety

- Enforcement of animal control ordinances and prosecution of social host, nuisances and other code violations
- Continue to advise teammates on administrative citation program

Protecting the Environment

- Review and revise the Draft Environmental Impact Report for the Anticipated Amendment to the General Plan

Maintaining Fiscal Responsibility

- Assist in proper administration of bond proceeds
- Advise on disposition of former agency assets
- Serve as legal liaison to Oversight Board, Department of Finance and State Controller

Planning Our Community

- Advise on General Plan Update and zoning code update
- Collaborate with teammates to revise the Residential Development Control System to develop a future initiative to maintain growth control

Developing Our Community

- Assist in the negotiation for possible acquisition of property for future sport or cultural facilities
- Advise in the review, public hearing process and alternatives to the Southeast Quadrant annexation and Agricultural Mitigation Program

Improving Our Communication

- Evaluate opportunities for the City to work collaboratively on risk management issues with private property owners

Participating in Regional Initiatives

- Serves on ABAG Plan Corporation Executive Committee and Risk Management Committee
- Continue participation in quarterly discussions on regional municipal law issues with city attorneys within Santa Clara County

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The proposed budgets (general fund and all funds) include legal costs for the day-to-day operation of all City operations and for anticipated special counsel costs incurred in ongoing and anticipated litigation. Should unanticipated litigation or extraordinary events requiring specialized legal services arise; the City Attorney will present to the City Council estimated extraordinary legal costs that may require an amendment to the approved budget.

City Attorney (continued)

Expenditure Details		14-15	15-16	15-16	16-17	17-18
Object	Description	Actual	Amended	Year End Projection	Recommended	Recommended
41100	SALARIES - GENERAL	325,663	332,255	257,871	367,119	381,500
41320	EARNED LEAVE LIABILITY	10,746	11,645	11,645	10,962	11,401
41620	RETIREMENT - GENERAL	56,983	59,288	46,047	66,581	71,119
41690	DEFERRED COMPENSATION	5,909	6,009	4,433	3,020	3,110
41700	GROUP INSURANCE	23,872	21,277	22,136	32,720	33,998
41701	MEDICARE	4,482	4,901	3,710	5,205	5,418
41730	INCOME PROTECTION INS	3,347	2,564	2,719	4,026	4,026
41760	WORKERS COMP	8,076	16,613	6,396	9,178	9,538
41799	BENEFITS	6,058	5,724	3,169	6,665	6,665
41900	CONTRACT LABOR	-	192,000	-	-	-
Salaries Total		445,136	652,276	358,124	505,476	526,775
42214	TELEPHONE	1,616	2,652	1,200	1,500	1,530
42230	SPECIAL COUNSEL	4,920	85,038	277,038	72,787	74,243
42231	CONTRACT SERVICES	6,361	32,896	32,623	6,642	6,775
42232	LITIGATION EXPENSES	46	637	150	150	153
42244	STATIONERY & OFFICE SUPPLIES	465	637	636	636	649
42245	COMPUTER HARDWARE-NON CAPITAL	892	330	301	-	-
42248	OTHER SUPPLIES	(8)	605	700	300	306
42250	ADVERTISING	-	266	250	-	-
42252	PHOTOCOPYING	318	637	288	400	408
42254	POSTAGE & FREIGHT	88	530	110	200	204
42257	PRINTING	-	84	85	-	-
42261	AUTO MILEAGE	48	318	50	50	51
42299	OTHER EXPENSE	25	318	-	200	204
42408	TRAINING & EDUCATION	981	2,652	1,100	2,200	2,244
42415	CONFERENCE & MEETINGS	3,060	3,713	3,400	3,200	3,264
42423	MEMBERSHIP & DUES	1,299	1,591	510	1,350	1,377
42435	SUBSCRIPTION & PUBLICATIONS	4,443	4,244	4,400	4,600	4,692
42531	MAINT - FURNITURE/OFFICE EQUIP	-	160	160	-	-
Supplies Total		24,554	137,307	323,001	94,215	96,099
45003	GENERAL LIABILITY INSURANCE	4,605	5,517	5,517	7,447	8,192
45004	BUILDING MAINT - CURRENT SERVICES	10,200	9,912	9,912	17,616	16,949
45005	BUILDING MAINT - FUTURE REPLACEMENT	1,597	1,645	1,645	1,694	1,745
45009	INFO SYSTEM SERVICES	10,323	12,084	12,084	24,350	24,350
Internal Services Total		26,725	29,157	29,158	51,107	51,236
49241	TRANSFER OUT-BOND/DEBT	5,488	5,488	5,488	3,140	3,619
Transfer Total		5,488	5,488	5,488	3,140	3,619
1500 - City Attorney Total		501,902	824,228	715,771	653,939	677,729